

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

GARY D. ALLEN, #103328

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:08-cv-393-LG-RHW

MICHELLE GUNN, et al.

DEFENDANTS

ORDER DENYING MOTION TO RECONSIDER

BEFORE the Court is Plaintiff's letter, docketed on March 23, 2009 as a notice of appeal [23]. Plaintiff states that he wishes to appeal the dismissal of defendants "MDOC Dr. Woodall" and "MDOC Commissioner Epps." However, on March 11, 2009, this Court entered an Order [19] that directed process to issue for defendants Epps and Woodall and further directed these defendants to file an answer to the Plaintiff's complaints. Defendants Epps and Woodall have not been dismissed from this case. The only defendant that has been dismissed from this civil action is the "Mississippi Department of Corrections," as set forth in the Court's Order [21] of March 13, 2009.

The Court finds that Plaintiff's letter should be construed as a motion for reconsideration rather than a notice of appeal. Further, reconsideration of the Order dismissing the Mississippi Department of Corrections is not warranted and will be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that the Clerk of Court shall designate Plaintiff's letter, docketed on March 23, 2009 as a notice of appeal [23], as a motion for reconsideration.

IT IS FURTHER ORDERED AND ADJUDGED that the Motion to Reconsider [25] is **DENIED**.

SO ORDERED AND ADJUDGED this the 25th day of March 2009.

s/ Louis Guirola, Jr.

Louis Guirola, Jr.
United States District Judge